



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866**

July 10, 2009

VIA FEDERAL EXPRESS

[See Attached list of Addressees]

Re: Gowanus Canal Superfund Site, Brooklyn, Kings County, New York

Request for Information Pursuant to Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. Sections 9601-9675

Dear Sir:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. Sections 9601-9675, (also known as the "Superfund" law). More information about CERCLA, including a copy of the Superfund law, may be found at [www.epa.gov/superfund](http://www.epa.gov/superfund).

EPA has documented the release and threatened release of hazardous substances into the environment at the Gowanus Canal Superfund Site (the "Site"), located in Brooklyn, Kings County, New York. In response to the release and threatened release of hazardous substances into the environment at the Site, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

At the request of the New York State Department of Environmental Conservation ("NYSDEC"), on April 8, 2009, by publication in the *Federal Register*, EPA proposed the Site for inclusion on the National Priorities List established pursuant to Section 105 of CERCLA, 42 U.S.C. Section 9605.

The Gowanus Canal is a brackish, tidal arm of the New York-New Jersey Harbor Estuary, extending for approximately 1.8 miles through Brooklyn. The approximately 100-foot-wide canal runs southwest from Butler Street to Gowanus Bay and Upper New York Bay. The adjacent waterfront is primarily commercial and industrial, currently consisting of concrete plants, warehouses, and parking lots, and the Site is near several residential neighborhoods.

The Canal was constructed by bulkheading and dredging a tidal creek and wetland. After its completion in the 1860s, the Canal quickly became one of the nation's busiest industrial

waterways, home to heavy industry including gas works (*i.e.*, manufactured gas plants), coal yards, cement makers, soap makers, tanneries, paint and ink factories, machine shops, chemical plants and oil refineries. It was also a repository for untreated industrial wastes, raw sewage, and runoff for decades, causing it to become one of New York's most polluted waterways. Although much of the industrial activity along the Canal has ceased, high contaminant levels remain in the groundwater and Canal sediments. Despite the ongoing pollution problems, the Canal is currently used by some for recreational purposes, such as canoeing and diving, while others catch fish for consumption.

Numerous sampling events have shown the sediments in the Gowanus Canal to be contaminated with a variety of pollutants, including polycyclic aromatic hydrocarbons, polychlorinated biphenyls, pesticides, metals and volatile organic compounds. The contamination extends the entire length of the Canal. The contaminants may have entered the Canal via several transport pathways or mechanisms, including spillage during product shipping and handling, direct disposal or discharge, contaminated groundwater discharge, surface water runoff, storm water discharge or contaminated soil erosion.

As part of its investigation of potential sources of contamination to the Canal, EPA is seeking information regarding industries which operated in the vicinity of the Canal. The parties receiving this letter, or their legal predecessors, are currently or formerly owned/operated industrial facilities adjacent to or near the Canal. Please note that EPA's source investigation is expected to occur in multiple phases and that EPA is also seeking information which your company may possess regarding other parties whom EPA should contact.

## **INFORMATION REQUEST**

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA within 30 days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C.

Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information that EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be sent to:

Brian Carr  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, NY 10007-1866  
carr.brian@epa.gov

with a copy to:

Christos Tsiamis  
Remedial Project Manager  
New York Remediation Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 20th Floor  
New York, NY 10007-1866  
tsiamis.christos@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, you may call Mr. Carr at (212) 637-3170.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

*/signed/*

Raymond Basso, Strategic Integration Manager  
Emergency and Remedial Response Division

Enclosures

### **List of Addressees to Gowanus Canal Information Request Letter**

Amerada Hess Corp.  
Attn: John B. Hess  
Chairman and Chief Executive Officer  
1185 Avenue of the Americas  
New York, NY 10036

Bayside Fuel Oil Corp.  
Attn: Sergio Allegretti  
President  
1776 Shore Parkway  
Brooklyn, NY 11214

Chevron Corp.  
Attn: David J. O'Reilly  
Chairman and Chief Executive Officer  
6001 Bollinger Canyon Road  
San Ramon, CA 94583

Exxon Mobil Corp.  
Attn: Rex W. Tillerson  
Chairman and Chief Executive Officer  
5959 Las Colinas Boulevard  
Irving, Texas 75039-2298

## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

### A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your Company, as the term is defined below, may be able to provide additional details or documentation in response to any question, identify that person.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
12. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information

requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

## B. Definitions

1. As used herein, the term "Site" shall refer to the Gowanus Canal, located in Brooklyn, Kings County, New York, and any adjacent areas that have been affected by, or contributed to, the contamination.
2. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
3. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.
4. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;
  - i. it is an industrial byproduct having some market value;
  - j. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - l. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
5. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
6. As used herein, the terms "the Company" and "your Company" refer not only to your Company as set forth below, respectively, but to its predecessor(s)-in-interest, including but not limited to, those entities identified parenthetically below:
  - a. Amerada Hess Corp.;
  - b. Bayside Fuel Oil Corp. (including Cirillo Bros.);



- c. Chevron Corp. (including Texaco, Texas Co., Pure Oil Co., Union Oil Co. of California and Unocal); and
  - d. Exxon Mobil Corp. (including Standard Oil Co. of New York).
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term "Facility" shall mean the facility or facilities now or formerly operating at the location(s) identified below for each respective company:
- a. Amerada Hess Corp.: the Brooklyn terminal facility located at 722 and 764 Court Street, Brooklyn, NY.
  - b. Bayside Fuel Oil Corp.:
    - i. 510 Sackett Street, Brooklyn, NY;
    - ii. 527-539 Smith Street, Brooklyn, NY;
    - iii. 267 Bond Street, Brooklyn, NY; and
    - iv. the Cirillo Bros. parcel located at 1327-38 Smith Street, Brooklyn, NY.
  - c. Chevron Corp.:
    - i. the former Texas Co. terminal facility located at Court and Henry Streets, Brooklyn, NY;
    - ii. the former Pure Oil Co. locations at:
      - (1) Bond and Carroll Streets, Brooklyn, NY;
      - (2) Third and Bond Streets, Brooklyn, NY; and
      - (3) Third Street at the Fourth Street Basin, Brooklyn, NY.
  - d. Exxon Mobil Corp.:
    - i. the former Standard Oil Co. of New York parcel at First and Bond Streets, Brooklyn, NY; and
    - ii. the Mobil Service Station located at 354-375 Hamilton Avenue, Brooklyn, NY.

In addition, the term "Facility" shall mean any other parcel in the immediate vicinity of the Gowanus Canal which your Company previously owned and/or operated, and at which industrial operations were conducted which may have resulted in the release of hazardous substances. Identify such additional Facility(ies) in your responses to the questions below.

10. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

## REQUEST FOR INFORMATION

1. Please provide the following information on your Company:
  - a. Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation and in New York State.
  - b. Please identify the Chief Executive Officer or other presiding officer of the Company. Please also confirm the mailing address of that officer.
  - c. What is the nature of the business conducted by your Company?
  - d. If your Company is a subsidiary, division, branch or affiliate of another corporation or other entity, identify each of those other entities and those entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity identified in your response to this question.
2. Is your Company a successor-in-interest to an entity, including those identified for your Company in Definition 6, above? If your answer is no, please identify the current successor-in-interest to those companies and state the factual basis for your answer to this question.
3. Please describe in detail the manufacturing processes and any other operations conducted at the Facility by your Company, and identify the years in which it conducted such operations there. If those operations were not constant, describe the nature of all changes in operations and state the year of each change.
  - a. During what years did your Company operate at the Facility?
  - b. During what years did your Company own all or any portion of the Facility?
  - c. Please provide a copy of documents which effectuated your Company's acquisition and, if no longer owned, sale of the Facility property.
4. With respect to hazardous substances, hazardous wastes and industrial wastes at the Facility:
  - a. List all hazardous substances, hazardous wastes and industrial wastes that were used, stored, generated, handled or received by your Company at the Facility. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content.

- b. State when each hazardous substance, hazardous waste and industrial waste identified in your response to question 4.a., above, was used, stored, generated, handled or received and state the volume of each hazardous substance, hazardous waste and industrial waste used, stored, generated or handled on an annual basis.
  - c. Describe the activity or activities in which each hazardous substance and waste identified in your response to question 4.a., above, was used, stored, handled or received.
  - d. Describe the activity or activities in which each hazardous waste and industrial waste identified in your response to question 4.a., above, was generated.
  - e. Show the location of the hazardous substances, hazardous wastes and industrial wastes identified in your response to question 4.a., above through a map or diagram of the Site ("Facility Plan").
  - f. In addition to the Facility Plan, provide a floor plan of the Facility, both current and at prior times the Facility was in operation, that includes drainage sumps and all above-ground and below-ground discharge piping.
- 5.
- a. What did your Company do with the hazardous wastes, hazardous substances, and industrial wastes that it used, stored, generated or otherwise handled after it was finished with them? Describe in detail how and where the hazardous substances, hazardous wastes and industrial wastes identified in response to question 4 above were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis.
  - b. If any hazardous substances, hazardous wastes and industrial wastes ever were removed from the Facility for disposal or treatment, state the names and addresses of the transporters and disposal facilities used and the period during which each such transporter and disposal site was used. If you are unaware of the ultimate disposal location of any of the hazardous substances, hazardous wastes and industrial wastes that were removed from the Facility, state the nature and quantity of the particular materials in question and the names and addresses of the companies or individuals who removed the materials from the Facility.
  - c. Were any hazardous substances, hazardous wastes and industrial wastes ever disposed of at the Facility by your Company or any of its officers, employees, agents or representatives, or anyone else, either intentionally or unintentionally (in a manner other than those already identified in your responses to 5.a-b., above)? Your answer to this question should address, but not be limited to, instances in which hazardous substances, hazardous wastes, and industrial wastes were spilled or otherwise disposed onto or into the ground from drums, tanks, or any other

containers, as well as instances in which drums or other containers containing any volume whatsoever of hazardous substances, hazardous wastes and industrial wastes caught fire. For each disposal identified in your response to this question:

- i. Identify the locations at the Facility where such disposal occurred;
  - ii. State the periods during which such disposal occurred at each area identified in your response to question 5.c.i., above;
  - iii. Identify each of the materials disposed of at the Facility, including the chemical content, characteristics, and form (solid, liquid, sludge or gas) of the material;
  - iv. Describe the method of disposal used;
  - v. Describe how the material was containerized (if at all) at the time of the disposal; and
  - vi. State the quantity of each such material that was disposed of at the Facility.
6. Identify all leaks, spills or releases or threats of releases of any kind of any hazardous substances, hazardous wastes and industrial wastes into the environment that have occurred or may have occurred at or from the Facility, including to the Gowanus Canal, including any leaks or releases from discharge pipes as well as from storage tanks, drums and other containers. Your answer should include:
  - a. when each release occurred;
  - b. how each release occurred;
  - c. what individuals and companies caused or contributed to the release;
  - d. what hazardous substances were released, and in what form (e.g., gas, liquid, solid or sludge);
  - e. the amount of each hazardous substance released;
  - f. where each release occurred (indicate on the Facility Plan);
  - g. the surface on or into which the material was released;
  - h. whether the release was fully contained and, if not, where the uncontained portion of the release is believed to have gone;

- i. any and all activities undertaken in response to each release or threatened release;
  - j. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including the results of any soil, water (ground or surface), or air testing that was undertaken; and
  - k. all persons with information relating to subparts a. through j. of this Question.
7. In addition to any documents requested above, please provide copies of the following:
- a. All records relating to releases of hazardous substances, hazardous wastes, and industrial wastes at the Facility or to the Gowanus Canal; and
  - b. All waste manifests, invoices or other documents relating to the disposal of the hazardous substances, hazardous wastes, and industrial wastes disposed of at the Facility or otherwise handled at the Facility.
  - c. All investigation documents relating to conditions at the Facility, including safety and environmental audits, sampling results, cleanup orders or any submissions to the environmental agencies, including but not limited to, the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection and EPA.
8. Did the Facility utilize barges in its operations? If so, provide the following information:
- a. the period of barge operations;
  - b. the location of barge transfers;
  - c. the nature of materials transferred to or from barges;
  - d. the nature of barge cleaning operations, if any, including what cleaning methods were used and how cleaning waste was handled;
  - e. what spill prevention controls were utilized;
  - f. a detailed description of any barge-related releases.
9. Did the Facility utilize an on-site fleet of vehicles or otherwise generate or accept used oil? If so, describe in detail the Facility's used oil management practices during the period of the Facility's operations, including the number of vehicles serviced on-site, the volume of waste oil generated, how the waste oil was stored pending disposal, and the method and location of waste oil disposal.

10. Did the Facility's operations include tank cleaning? If so, describe in detail the Facility's tank cleaning practices during the period of operations, including the number of tanks on-site, the frequency and method of tank cleaning, the volume of tank cleaning waste generated, and the method and location of tank cleaning waste disposal.
11. Did your Company's Facility operations generate tank bottoms? If so, describe in detail the Facility's tank bottom management practices during the period of the Facility's operations, including the number of tanks on-site, the volume of tank bottoms generated, how the tank bottoms were removed from tanks, and the method and location of tank bottom disposal.
12. Identify each of your Company's Facility discharge locations, including but not limited to, pipes, drains, sumps and sewer connections, describe the discharge location's purpose and use, show the location of each discharge point on the Facility Plan, and indicate whether it discharged to the Gowanus Canal, to the ground, the sewer or other location(s).
13. Please describe the closure of the Facility, if applicable. Your answer should include, but not be limited to, when the closure of the Facility occurred; how waste material was disposed of, and whether any waste material was left onsite. In addition, describe any further closure work that was undertaken at the time any portion of any of the Facility was transferred.
14. Does your Company have any additional information or documents which may help EPA identify other companies which conducted operations at or owned the Facility, or contributed contamination to the Gowanus Canal? If so, please provide that information and those documents; state the time period when each such company operated at or owned the Facility, or contributed contamination to the Gowanus Canal, and identify the source(s) of your information.
15. Identify the persons having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees of the Company, include their job title and a description of their responsibilities.
16. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether this person has personal knowledge of the answers provided.
17. Supply any additional information or documents in your possession or available to you that may be relevant to the questions which are the subject of this inquiry or that may assist EPA in identifying potentially responsible parties under CERCLA with respect to the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION  
GOWANUS CANAL SUPERFUND SITE

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information ) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my Company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my Company's response thereto should become known or available to the Company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this  
\_\_\_ day of \_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public